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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

XXXX

No. C

Plaintiff(s),

CASE MANAGEMENT AND
PRETRIAL ORDER

v.

XXXX,

Defendant(s)

/

Pursuant to Fed. R. Civ. P. 16 and Civ. L.R. 16-10(b), the following case management and pretrial order is entered:

1. TRIAL DATE:

a. (Court/Jury) trial will begin on [DATE] at 9:30 a.m. in Courtroom 205A, 2nd Floor, 514 H Street, Eureka, CA 95501.

b. The length of the trial will be no more than [] days.

2. DISCOVERY

a. Experts shall be disclosed by [DATE].

b. All discovery from experts shall be completed by [DATE].

c. All non-expert discovery shall be completed by [DATE].

d. In the event of a discovery dispute the parties shall use the following procedure:

Parties shall meet and confer in person, or, if counsel are located outside the Eureka area, by telephone, to attempt to resolve their dispute informally. A mere exchange of letters,

telephone calls, or facsimile transmissions does not satisfy the requirement to meet and confer.

If, after a good faith effort, the parties have not resolved their dispute, they shall prepare a concise joint statement of less than three pages, without affidavits or exhibits, stating the nature and status of their dispute. If a joint statement is not possible, each side may submit a one-page individual statement. The court will advise the parties regarding the need, if any, for formal briefing or a hearing.

3. MOTIONS

All dispositive motions shall be served and filed not less than **thirty-five (35)** days prior to the scheduled hearing date. Any opposition shall be served and filed no later than **twenty-one (21)** days prior to the hearing date. Any reply to the opposition shall be served and filed no later than **fourteen (14)** days prior to the hearing. Prior to a dispositive motion, the parties shall meet and confer and, at the time the motion is filed, submit a joint statement of undisputed facts.

4. ALTERNATIVE DISPUTE RESOLUTION (ADR)

The court hereby refers this case for **one** of the following:

- a. A settlement conference to be scheduled before another Magistrate Judge of this court. Counsel will be contacted by that judge's chambers with a date and time for the conference as soon as it is convenient to the judge's calendar.
- b. Referral to ADR for purpose of scheduling [mediation, arbitration, or ENE] to be completed within [30] days.

5. A further Case Management Conference will be held within 30 days of unsuccessful settlement conference or ADR proceedings. Parties shall jointly propose a date on a Tuesday at 2:30 p.m.

6. PRETRIAL CONFERENCE

a. A final pretrial conference shall be held on [DATE] at 2:00 a.m. in Courtroom 205A, 2nd Floor. Each party shall attend personally or by counsel who will try the case.

1 b. **Not less than thirty (30) days** prior to the date of the pretrial conference, all counsel
2 or parties shall meet and fulfill the requirements of Civil Local Rule 16-10(b).

3 c. **Not less than twenty (20) days** prior to the pretrial conference, counsel or parties
4 shall

5 (i) serve and file a joint pretrial statement pursuant to Local Rule 16-10(b);

6 The pretrial statement shall include the disclosures required by Fed. R. Civ. P. 26(a)(3)
7 as well as the following:

8 THE ACTION

9 Substance of the Action

10 Relief Prayed

11 FACTUAL BASIS FOR THE ACTION

12 Undisputed Facts

13 Disputed Factual Issues

14 Agreed Statement

15 Stipulations

16 DISPUTED LEGAL ISSUES

17 (List)

18 TRIAL PREPARATION

19 Witnesses to be Called

20 Exhibits, Schedules and Summaries

21 Trial

22 Estimate of Trial Time

23 Use of Discovery Responses at Trial

24 Further Discovery or Motions

25 TRIAL ALTERNATIVES AND OPTIONS

26 Settlement Discussions

27 Amendments - Dismissals

28 Bifurcation, Separate Trial of Issues

MISCELLANEOUS

Any other concerns of the parties

d. At the same time that the parties file their joint pretrial statement they shall also:

(ii) Serve and file trial briefs, which shall specify each cause of action and defense remaining to be tried along with a statement of the applicable legal standard (no opposition shall be filed);

(iii) Serve and file motions in limine which shall be contained in one document. Motions in limine will be decided at the Pretrial Conference.

e. Serve and file a list of excerpts from discovery that will be offered at trial, specifying the witness, page and line references and whether the excerpt is to be offered in lieu of testimony or as impeachment;

f. Serve and file a list of witnesses likely to be called at trial, in person or by deposition, other than solely for impeachment or rebuttal, with a brief statement describing the substance of the testimony to be given;

g. Serve and file a numerical list of exhibits (including demonstrative exhibits that may be admitted into evidence but not those that are purely illustrative), with a brief statement describing the substance and purpose of each exhibit and the name of the sponsoring witness;

h. Exchange exhibits which shall be premarked, tabbed and in binders (plaintiff shall use numbers and defendant shall use letters); and deliver the original and two duplicate sets of all premarked exhibits to chambers (exhibits are not to be filed) at least one week before trial.

(See Label)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

Exhibit No. _____

Date entered: _____

RICHARD W. WIEKING, Clerk

By: _____

Deputy Clerk

i. Serve and file proposed joint voir dire questions and joint jury instructions for cases to be tried by jury (further instructions regarding jury instructions below).

j. Serve and file proposed findings of fact and conclusion of law for cases to be tried by the court.

k. Serve and file a proposed verdict form which contains no reference to submitting party.

l. **Two courtesy copies** of trial briefs and motions in limine shall be provided.

m. No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not disclosed in these pretrial filings without leave of court and for good cause.

7. **Not less than ten days** prior to the pretrial conference, counsel or parties shall serve and file any opposition or objection to those items required by section 3(e),(f), (i) (j), (k) and (l) of this order. Additionally, counsel or parties shall file any objections to the qualifications of expert witnesses contained in the opposing party's witness list. Objections not filed as required will be deemed waived. No replies shall be filed. All motions and objections shall be heard at the pretrial conference unless otherwise ordered.

8. JURY TRIAL

a. Counsel shall submit an **agreed upon set** of additional voir dire questions to be posed by the court. Any voir dire questions on which counsel cannot agree may be submitted separately. Counsel will be allowed brief follow-up voir dire after the court's questioning.

b. The following jury instructions from the Manual of Model Civil Jury Instructions for the Ninth Circuit (1997 Edition) will be given absent objection: 1.01 - 1.12, 2.01 - 2.02, 3.01 - 3.03, 3.05 -3.08. The Ninth Circuit Manual of Model Jury Instructions is available on the website for the U.S. District Court for the Northern District of California at www.cand.uscourts.gov. Click on the 9th Circuit home page button at the lower left of the first

1 screen and then choose the Manual from the list on the right hand side of the next screen.
 2 Counsel shall submit an agreed upon set of case specific instructions, using the Ninth Circuit
 3 Manual where appropriate. Do not submit duplicates of those listed above. Any instructions
 4 on which counsel cannot agree may be submitted separately. Each requested instruction shall
 5 be typed in full on a separate page with citations to the authority upon which it is based and
 6 a reference to the party submitting it. A **second blind copy** of each instruction and verdict
 7 form shall also be submitted omitting the citation to the authority and the reference to the
 8 submitting party.

9 9. All documents filed with the Clerk of the Court shall list the civil case number
 10 followed by the initials NJV. One copy shall be clearly marked **chambers** copy.

11 DATED:

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 13 NANDOR J. VADAS
 14 United States Magistrate Judge
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